

THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

<b>He Li</b>	)	
<b>Changai Zhuo</b>	)	Case No: _____
<b>Zehao Li</b>	)	
403 King Rail Court	)	
Middletown, DE 19709	)	
Plaintiffs	)	
Vs.		
<b>Michael Chertoff</b> , Secretary of the Department of	)	
Homeland Security; <b>Emilio T. Gonzalez</b> , Director of)	)	
U.S. Citizenship & Immigration Services (USCIS); )	)	
<b>Paul E. Novak, Jr.</b> , Vermont Service Center Director,) )	)	
U.S. Citizenship & Immigration Services;	)	
<b>Robert S. Mueller</b> , Director of Federal Bureau of	)	
Investigation	)	
Defendants	)	

COMPLAINT FOR WRIT IN THE NATURE OF MANDAMUS AND  
DECLARATORY JUDGEMENT

NOW come the Plaintiffs, He Li, Changai Zhuo and Zehao Li, by and through *Pro Se* in the above-captioned matter, and hereby states as follows:

1. This action is brought against the Defendants to compel action on the clearly delayed processing of employment-based I-485 petitions, Applications to Adjust To Permanent Resident Status, filed for the Plaintiffs, He Li, Changai Zhuo and Zehao Li. The applications were filed with Vermont Service Center (VSC) of the USCIS and remain within the jurisdiction of the defendants, who have improperly delayed processing the

application to Plaintiffs' detriment. This action is a petition for a statutory relief pursuant to law including US Constitution, Mandamus Act (28 U.S.C. §1361), Declaratory Judgment Act (28 U.S.C. §2201), and the Administrative Procedures Act (5 U.S.C. §551 *et seq.*).

#### PARTIES

2. Plaintiffs, He Li, Changai Zhuo and Zehao Li, reside at 403 King Rail Court, Middletown, DE 19709, are the beneficiaries of the I-485 petitions, Application to Adjust To Permanent Resident Status, filed with USCIS. Plaintiff He Li is the primary applicant of the I-485 petitions, and Plaintiffs Changai Zhuo and Zehao Li are the dependent applicants of the I-485 petitions as wife and son of the primary applicant (Plaintiff He Li), respectively.
3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC §1103(a). More specifically, the Secretary of the Department of Homeland Security is responsible for the adjudication of application for non-immigrant visas filed pursuant to the Immigration and Nationality Act (INA). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.
4. Defendant Emilio T. Gonzalez, Director of U.S. Citizenship & Immigration Services

(USCIS), is an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR §103.1(g)(2)(ii)(B).

5. Defendant Paul E. Novak, Jr., Vermont Service Center Director, is an official of the U.S. Citizenship & Immigration Services (USCIS) generally charged with authority over operations of the USCIS within his Service Center including the processing of employment-based immigration petitions, as such, he has decision-making authority over the matters alleged in this Complaint.
6. Defendant Robert S. Mueller is Director of Federal Bureau of Investigation, the law enforcement agency that conducts security clearances for other US government agencies, such as Department of States, USCIS. As will be shown, Defendant has failed to complete the security clearance on Plaintiffs' cases.

#### JURISDICTION

7. Jurisdiction in this case is proper under 28 U.S.C. §1331 (Federal question statute), 28 U.S.C. §1361 (Mandamus Act), 28 U.S.C. §2201 (Declaratory Judgment Act), and 5 U.S.C. §701 et seq. (Administrative Procedures Act). Relief is requested pursuant to said statutes.
8. There are no administrative remedies available to Plaintiffs to redress the grievances described herein. This action challenges only the Defendants' timeliness in adjudication of Adjustment of Status petition, not the granting or denial of petition, therefore the jurisdictional limitation of 8 U.S.C. §1252 does not apply.

#### VENUE

9. Venue is proper in this court, pursuant to 28 U.S.C. §1391(e), because Defendants

operate within this district and Plaintiffs reside in this district.

#### EXHAUSTION OF REMEDIES

10. The Plaintiffs have exhausted their administrative remedies. The Plaintiffs have supplied the USCIS documents that clearly establish their eligibility to Adjust To Permanent Resident Status.

#### CAUSE OF ACTION

11. The I-485 petitions pertaining in this action, Application to Adjust To Permanent Resident Status, were properly filed with USCIS, pursuant to Section 245 of the Immigration & Nationality Act (INA §245), with concurrent filing of I-140 in EB2 employment-based category.
12. The I-485 applications to Adjust To Permanent Resident Status, along with supporting documentation, were filed in Vermont Service Center of USCIS, on April 10, 2004. Each Plaintiff was issued a Receipt Notice on April 15, 2004. The Receipt Number for Plaintiff He Li is EAC-04-144-50517, the Receipt Number for Plaintiff Changai Zhuo is EAC-04-144-50539, and the Receipt Number for Plaintiff Zehao Li is EAC-04-144-50555.  
[Exhibit 1]
13. Petition I-140 for Plaintiff He Li as a primary applicant was approved on April 6, 2005.  
[Exhibit 2]
14. Fingerprints of Plaintiffs He Li, Changai Zhuo and Zehao Li were collected and submitted to the USCIS on or about March 16, 2005. [Exhibits 3]
15. USCIS of the Department of Homeland Security publishes processing dates on I-485, Application to Adjust To Permanent Resident Status, every month online at

<https://egov.immigration.gov/cris/jsps/Processtimes.jsp?SeviceCenter=Vermont>.

Vermont Service Center, where Plaintiffs' I-485 applications filed and still remain, is processing, as of December 3, 2006, Adjust To Permanent Resident Status cases with receipt date of February 15, 2006, while Plaintiffs' receipt date is April 10, 2004, 676 *days* earlier than currently published processing dates. [Exhibit 4]

16. Plaintiffs contacted USCIS many times in regard to delayed adjudication of I-485 petitions, Application to Adjust To Permanent Resident Status. On October 14, 2005, Plaintiff He Li contacted USCIS regarding his I-485 adjudication being "Outside Processing Time", and on November 29, 2005 was informed that the USCIS had not completed background check and the adjudication of petition/application was delayed, and USCIS can give no definite indication when they will be completed. [Exhibits 5]
17. On November 04, 2005, Plaintiff He Li contacted USCIS in regard to delayed adjudication of Plaintiff Zehao Li's I-485 petition, and Plaintiffs were informed, on November 18, 2005, that "*The processing of your case has been delayed. We are currently awaiting the results of required security checks on this case.*" and also "*If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.*" [Exhibit 6]
18. After six months of the above-mentioned USCIS case status letter, on June 13, 2006, the USCIS was contacted about Plaintiff Changai Zhuo's I-485 petition, Application to Adjust To Permanent Resident Status, and was informed again that "*The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.*"

and also “*If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.*” [Exhibit 7]

19. Also after six months of the 11-15-2005 USCIS letter, on June 15, 2006, Plaintiff He Li again contacted USCIS about his improperly delayed adjudication of I-485 petition, Application to Adjust To Permanent Resident Status, and was informed again that “*The processing of your petition/application has been delayed.*” and also “*We can give no definite indication of when they will be completed.*”[Exhibit 8]
20. On June 21, 2006, the Plaintiff He Li, through INFOPASS operated by USCIS, made an in person appointment with an immigration officer at USCIS Field Office in Dover, Delaware, to bring the USCIS’ attention to the out-proportional delay in adjudication of Plaintiffs’ I-485 petitions. Again, Plaintiffs were told by the immigration officer that background checks are not complete and the USCIS is not ready to adjudicate the I-485 applications. [Exhibit 9]
21. USCIS Receipt Notice to each Plaintiff on I-485, Application to Adjust To Permanent Resident Status, indicates that “*It usually takes 365 to 540 days from the date of this receipt for us to process this type of case.*” (Exhibit 1). However, after 967 days USCIS has not yet completed background checks on Plaintiffs, which evidently constitutes improper delays, despite Plaintiffs’ continuous inquiries and reminders to USCIS about the out-proportionally delayed adjudication of Plaintiffs’ I-485 applications.
22. Plaintiffs also asked U.S. Congressman Michael N. Castle for assistance with their out-proportionally delayed I-485 petitions, and were informed by U.S. Congressman Castle

that the petitions were delayed due to pending name and date of birth check by the Federal Bureau of Investigation (FBI). [Exhibit 10]

23. Plaintiffs also contacted FBI National Name Check Process (FBINNCP) via e-mail and fax, and provided sufficient evidence of their attempt to secure adjudication of I-485 applications at issue, all to no purpose. [Exhibit 11]
24. Plaintiffs' fingerprints were submitted to USCIS on or about March 16, 2005, and now their fingerprints in file with USCIS are no longer valid as they exceed the 15 months rule of USCIS. USCIS requires valid fingerprints in file to adjudicate I-485 petitions. The out-proportional and improper delay in adjudication of Plaintiffs' I-485 petitions is self-evident by USCIS own regulations. No decision and delay were made on Plaintiffs' I-485 petitions to such a grave extent that even USCIS self-collected Plaintiffs' fingerprints in file went into expiration. The inaction of the USCIS causes damage to Plaintiffs' economic and emotional well-beings, as Plaintiffs have to be collected of Code 3 fingerprints one more time to proceed with adjudication of I-485 petitions. [Exhibit 12]
25. The current case statuses of Plaintiffs' I-485 petitions by way of on-line website operated by USCIS at <https://egov.immigration.gov/cris/jsps/index.jsp> show that "*We process cases in the order we receive them. You can use our processing dates to estimate when yours will be done. This case is at our VERMONT SERVICE CENTER location.*" The Processing Dates in Vermont Service Center published on-line shows that Plaintiffs' I-485 petitions category has Processing Dates of February 15, 2006 (Exhibit 4). Plaintiffs' filing date of April 10, 2004 constitutes *676 days* difference between the current Processing Date in VSC of USCIS and Plaintiffs' filing and Receipt Date. Evidently, it

indicates improper delays in adjudication of Plaintiffs' I-485 petitions, Application to Adjust To Permanent Resident Status. [Exhibit 13]

26. The Defendants have failed to properly adjudicate Plaintiffs' I-485 petitions. They have failed to adhere to their own regulations and have improperly delayed the processing of Plaintiffs' I-485 applications after Plaintiffs had submitted properly executed applications. It has been over *967 days* since Plaintiffs' I-485 petitions filed with VSC of USCIS.
27. The Defendants, in violation of the Administrative Procedures Act, 5 USC §701 *et seq.*, are unlawfully withholding action on the plaintiffs' applications and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiffs' cases.
28. Plaintiffs have been greatly damaged by the failure of the Defendants to act in accord with their duties under law. Specifically, the Plaintiffs, He Li, Changai Zhuo and Zehao Li, are unable to obtain legal permanent residence, travel and work without restriction, and accrue time to be eligible for Naturalization as a citizen of the United States.

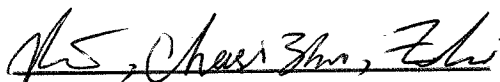
#### PRAYER

29. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enters an order:
  - (a) requiring Defendants to properly adjudicate Plaintiffs' applications for action on approved petitions;
  - (b) requiring Defendants to provide Plaintiffs with Notice of Approval;
  - (c) granting such other relief at law and in equity as justice may require.



Date: December 3, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "He Li, Changai Zhuo, Zehao Li", is written over a horizontal line.

He Li, Changai Zhuo and Zehao Li

Plaintiffs, *Pro Se*

403 King Rail Court

Middletown, DE 19709

Telephone (302) 378-8256

[Li913@verizon.net](mailto:Li913@verizon.net)

List of Exhibits

- Exhibit 1. Receipt notices for plaintiffs from VSC for I-485 applications
- Exhibit 2. Approval notice for I-140 petition for Plaintiff He Li
- Exhibit 3. Fingerprint notifications for Plaintiffs
- Exhibit 4. Processing dates on I-485 in VSC on December 3, 2006
- Exhibit 5. USCIS letter for Plaintiff He Li's I-485 on November 29, 2005
- Exhibit 6. USCIS letter for Plaintiff Zehao Li's I-485 on November 18, 2005
- Exhibit 7. USCIS letter for Plaintiff Changai Zhuo's I-485 on June 18, 2006
- Exhibit 8. USCIS letter for Plaintiff He Li's I-485 on June 29, 2006
- Exhibit 9. INFOPASS appointment receipt by Plaintiff He Li on June 21, 2006
- Exhibit 10. Plaintiffs' letter seeking assistance and inquiry result by U.S. Congressman Michael N. Castle on I-485 adjudication delay on behalf of Plaintiffs
- Exhibit 11. FBI name check inquiry e-mail and fax
- Exhibit 12. USCIS service center operations updates on May 24, 2005
- Exhibit 13. Plaintiffs' case status of I-485 by USCIS on-line website at <https://egov.immigration.gov/cris/jsps/index.jsp>

**Exhibit 1**

**Receipt notices for plaintiffs from VSC for I-485 applications**



RECEIPT NUMBER EAC-04-144-50517		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE April 10, 2004	PRIORITY DATE	APPLICANT A98 275 559 LI, HE
NOTICE DATE April 15, 2004	PAGE 1 of 1	
JING TAN ESQ LAW OFFICES OF TAN & ASSOCIATES 401 N WASHINGTON ST SUITE 500 ROCKVILLE MD 20850		Notice Type: Receipt Notice  Amount received: \$ 305.00  Section: Other basis for adjustment

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at [www.bcis.gov](http://www.bcis.gov). On our web site you can get-up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001  
Customer Service Telephone: (800) 375-5283





RECEIPT NUMBER EAC-04-144-50539		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE April 10, 2004	PRIORITY DATE	APPLICANT A98 275 560 ZHUO, CHANGAI
NOTICE DATE April 15, 2004	PAGE 1 of 1	
CHANGAI ZHUO 1010 SHELDON DR NEWARK DE 19711		Notice Type: Receipt Notice  Amount received: \$ 305.00  Section: Other basis for adjustment

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

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IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001  
Customer Service Telephone: (800) 375-5283





RECEIPT NUMBER EAC-04-144-50555		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE April 10, 2004	PRIORITY DATE	APPLICANT A98 275 561 LI, ZHAO
NOTICE DATE April 15, 2004	PAGE 1 of 1	
ZHAO LI 1010 SHELDON DR NEWARK DE 19711		Notice Type: Receipt Notice  Amount received: \$ 160.00  Section: Other basis for adjustment

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at **1-800-375-5283**. If you are hearing impaired, please call our TDD at **1-800-767-1833**.

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Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



**Exhibit 2.**

**Approval notice for I-140 petition for Plaintiff He Li**

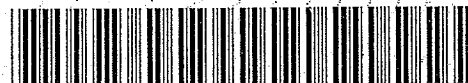




RECEIPT NUMBER: EAC-04-144-50500		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE April 15, 2004	PRIORITY DATE October 29, 2002	PETITIONER QUEST PHARMACEUTICAL SERVICES LLC
NOTICE DATE April 6, 2005	PAGE 1 of 1	BENEFICIARY A98 275 559 LI, HE
QUEST PHARMACEUTICAL SERVICES LLC THREE INNOVATION WAY 240 NEWARK DE 19711		Notice Type: Approval Notice Section: Mem of Profession w/Adv Deg, or of Exceptn'l Ability Sec.203 (b) (2)
Courtesy Copy: Original sent to: TAN ESQ, JING		
This courtesy notice is to advise you of action taken on this case. The official notice has been mailed to the attorney or representative indicated above. Any relevant documentation included in the notice was also mailed as part of the official notice.		
The above petition has been approved. The person this petition is for will be notified separately when a decision is reached on his or her pending adjustment of status application.		
This courtesy copy may not be used in lieu of official notification to demonstrate the filing or processing action taken on this case.		
THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.		

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001  
Customer Service Telephone: (800) 375-5283





**Exhibit 3**

**Fingerprint notifications for Plaintiffs**

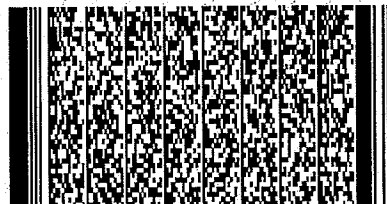


## Fingerprint Notification

CASE TYPE	SOCIAL SECURITY NUMBER	NOTICE DATE
I485 Application to Register Permanent Resident or Adjust Status		02/16/2005
APPLICATION NUMBER	CODE	USCIS A#
EAC0414450517	3	A098275559
	SERVICE CENTER	PAGE
	ESC	1 of 1

### APPLICANT NAME AND MAILING ADDRESS

HE LI  
1010 SHELDON DR  
NEWARK, DE 19711



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your Biometrics.

**PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME**

**TO HAVE YOUR BIOMETRICS TAKEN.** If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 05/14/2005. If you do not have your biometrics taken by that date, your application will be considered abandoned.

### APPLICATION SUPPORT CENTER

USCIS DOVER  
655 SOUTH BAY ROAD  
DOVER, DE 19901

### DATE AND TIME OF APPOINTMENT

03/17/2005  
9:00 AM

**WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:**

- 1. THIS APPOINTMENT NOTICE AND ANY RECEIPT NOTICES ASSOCIATED WITH YOUR APPLICATION.**
- 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

**PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.**

### WARNING!

*Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.*

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICATION NUMBER  
EAC0414450517

APPLICANT COPY



**LIFE ACT PROCESSING STAMP**

ASC SITE CODE: XPD

BIOMETRICS QA REVIEW BY: 157674

ON 3-16-05

TENPRINTS QA REVIEW BY: \_\_\_\_\_

ON \_\_\_\_\_

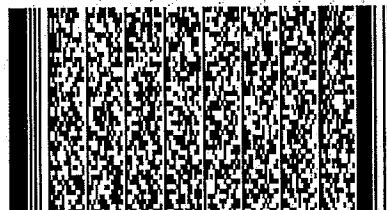


## Fingerprint Notification

CASE TYPE I485 Application to Register Permanent Resident or Adjust Status		SOCIAL SECURITY NUMBER	NOTICE DATE 02/16/2005
APPLICATION NUMBER EAC0414450539	CODE 3	SERVICE CENTER ESC	USCIS A# A098275560
			PAGE 1 of 1

### APPLICANT NAME AND MAILING ADDRESS

CHANGAI ZHUO  
1010 SHELDON DR  
NEWARK, DE 19711



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your Biometrics.

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### APPLICATION SUPPORT CENTER

USCIS DOVER  
655 SOUTH BAY ROAD  
DOVER, DE 19901

### DATE AND TIME OF APPOINTMENT

03/16/2005  
1:00 PM

### WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

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### APPLICANT COPY

APPLICATION NUMBER  
EAC0414450539



LIFE ACT PROCESSING STAMP  
ASC SITE CODE: XPD  
BIOMETRICS QA REVIEW BY: 15767X ON 3-16-05  
TENPRINTS QA REVIEW BY: \_\_\_\_\_

ON \_\_\_\_\_

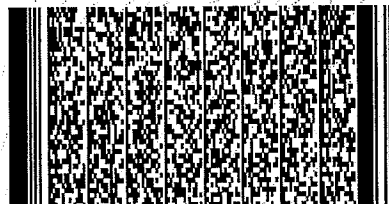


## Fingerprint Notification

CASE TYPE	SOCIAL SECURITY NUMBER	NOTICE DATE
I485 Application to Register Permanent Resident or Adjust Status		02/16/2005
APPLICATION NUMBER	CODE	USCIS A#
EAC0414450555	3	A098275561
	SERVICE CENTER	PAGE
	ESC	1 of 1

### APPLICANT NAME AND MAILING ADDRESS

ZHAO LI  
1010 SHELDON DR  
NEWARK, DE 19711



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your Biometrics.

### PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME

**TO HAVE YOUR BIOMETRICS TAKEN.** If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 05/14/2005. If you do not have your biometrics taken by that date, your application will be considered abandoned.

### APPLICATION SUPPORT CENTER

USCIS DOVER  
655 SOUTH BAY ROAD  
DOVER, DE 19901

### DATE AND TIME OF APPOINTMENT

03/16/2005  
2:00 PM

### WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE AND ANY RECEIPT NOTICES ASSOCIATED WITH YOUR APPLICATION.**
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

**PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.**

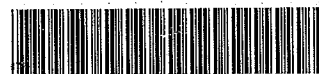
### WARNING!

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If you have any questions regarding this notice, please call 1-800-375-5283.

### APPLICANT COPY

APPLICATION NUMBER  
EAC0414450555



### LIFE ACT PROCESSING STAMP

ASC SITE CODE: XPD  
BIOMETRICS QA REVIEW BY: 157674

TENPRINTS QA REVIEW BY: 3-16-05

ON \_\_\_\_\_

**Exhibit 4**

**Processing dates on I-485 in VSC on December 3, 2006**



# U. S. Citizenship and Immigration Services

[Print This Page](#)[Back](#)

## U.S. Citizenship and Immigration Services Vermont Service Center Processing Dates Posted November 17, 2006

The U.S. Citizenship and Immigration Services processes cases in the order in which they are received. Due to the high workload, most of the time your case is pending we will be processing cases that were filed earlier than yours. This chart tells you which cases the Service Center is processing and the date the cases were received by the Service Center.

### How do I use this chart?

Locate the type of application or petition you filed under the heading "Form" or "Form Name". Follow the form/form name across to the heading "Processing Cases with Receipt Date of". The date shown in this column represents the filing date of the application or petition that is currently being processed at this Service Center.

### When Can I Call The National Customer Service Center?

If you filed your case 30 days or more before the date shown under the heading "Processing Cases with Receipt Date of" and you have not received a request for evidence, a decision, or another notice in the last thirty days, please call our National Customer Service Center at 1-800-375-5283.

If you received a request for evidence and you responded more than 60 days ago and have not received a decision, please call our National Customer Service Center at 1-800-375-5283.

If you have filed any of the following forms and the indicated times have passed, please call our National Customer Service Center at 1-800-375-5283.

Form EOIR-29: If you filed more than 60 days ago and you need to confirm that your case was sent to the Board of Immigration Appeals.

Form I-290A, Motion to Reopen or Reconsider: If you filed more than 6 months ago and you have not received a reply.

Form I-290B, Notice of Appeal to the Administrative Appeals Unit:

Initial receipt and preliminary processing: If you filed more than 60 days ago (from the date of receipt by the Service Center), and you need to confirm that your case was sent to the Administrative Appeals Office.

Remands and sustained decisions: If it has been more than 60 days since the date the Administrative Appeals Office notified you in writing that it remanded (sent your case back) to the Service Center or sustained the decision (decided in your favor), and you have not received a response from the Service Center.

Waiver of the 2-Year Foreign Residence Requirement (For waiver applications that DO NOT require Form I-612). This includes waivers based on No Objection Statements, Interested Government Agency requests, and State Health Department requests. If the Department of State's Waiver Review Division sent the favorable waiver recommendation to the Service Center more than 60 days ago, and you have not received a response from the Service Center.

Service Center Processing Dates for **Vermont** Posted November 17, 2006

Form	Title	Classification or Basis for Filing	Now Processing Cases with Receipt Notice Date of
<b>I-90</b>	Application to Replace Permanent Resident Card	Initial issuance or replacement	May 13, 2006
<b>I-102</b>	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	March 13, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	May 28, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	May 28, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	July 16, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	October 31, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	October 16, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	July 24, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	L - Intracompany transfers	October 16, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	Blanket L	September 03, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	O - Extraordinary ability	September 03, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	September 03, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	September 03, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	R - Religious occupation	September 03, 2006
<b>I-129</b>	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	April 11, 2006
<b>I-129F</b>	Petition for Alien Fiance(e)	K-1/K-2 - Not yet married - fiance and/or dependent child	May 13, 2006
<b>I-130</b>	Petition for Alien Relative	U.S. citizen filing for a spouse, parent, or child under 21	March 12, 2006
<b>I-130</b>	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	February 26, 2006
<b>I-130</b>	Petition for Alien Relative	U.S. citizen filing for a married son or daughter over 21	March 12, 2006
<b>I-130</b>	Petition for Alien Relative	U.S. citizen filing for a brother or sister	October 07, 2006
<b>I-130</b>	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	October 22, 2005
<b>I-130</b>	Petition for Alien Relative	Permanent resident filling for an unmarried son or daughter over 21	March 12, 2006
<b>I-131</b>	Application for Travel Document	All other applicants for advance parole	August 15, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Extraordinary ability	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Outstanding professor or researcher	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Multinational executive or manager	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Schedule A Nurses	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Advanced degree or exceptional ability requesting a National Interest Waiver	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Skilled worker or professional	April 01, 2006
<b>I-140</b>	Immigrant Petition for Alien Worker	Unskilled worker	April 01, 2006
	Application for Permission to Reapply for		

I-212	Admission into the U.S. After Deportation or Removal	Readmission after deportation or removal	August 20, 2005
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	Violence Against Women Act (VAWA)	March 13, 2006
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	January 21, 2006
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	February 15, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	June 04, 2006
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	June 04, 2006
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	April 30, 2006
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	May 16, 2006
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	August 29, 2006
I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	October 17, 2006
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	August 29, 2006
I-765	Application for Employment Authorization	Based on TPS for Honduras/Nicaragua [(c)(19), (a)(12)]	August 29, 2006
I-765	Application for Employment Authorization	Based on TPS for El Salvador [(c)(19)(a)(12)]	August 29, 2006
I-765	Application for Employment Authorization	All other applications for employment authorization	August 29, 2006
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	April 11, 2005
I-821	Application for Temporary Protected Status	El Salvador initial or late filing	May 01, 2006
I-821	Application for Temporary Protected Status	El Salvador extension	May 01, 2006
I-821	Application for Temporary Protected Status	Honduras and Nicaragua initial or late filing	May 01, 2006
I-821	Application for Temporary Protected Status	Honduras and Nicaragua extension	May 01, 2006
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	May 16, 2006
N-600	Application for Certification of Citizenship	Application for recognition of U.S. citizenship	May 16, 2006
N-643	Application for Certification of Citizenship on Behalf of an Adopted Child	Application for recognition of U.S. citizenship on behalf of an adopted child	May 16, 2006

[Print This Page](#)
[Back](#)



12-03-2006 01:37 PM EST

**Exhibit 5**

**USCIS letter for Plaintiff He Li's I-485**

**on November 29, 2005**

U.S. Department of Homeland Security  
Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT  
05479-0001



**U.S. Citizenship  
and Immigration  
Services**

Tuesday, November 29, 2005

HE LI  
403 KING RAIL CT  
MIDDLETOWN DE 19709

Dear HE LI:

On 10/14/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	The applicant
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	I485
<b>Filing date:</b>	04/10/2004
<b>Receipt #:</b>	EAC-04-144-50517
<b>Beneficiary (if you filed for someone else):</b>	LI, HE
<b>Your USCIS Account Number (A-number):</b>	A098275559
<b>Type of service requested:</b>	Case Status - Outside Processing Time Change of Address

The status of this service request is:

The address change has been applied to your application/petition.

The processing of your petition/application has been delayed. All petitions/applications received by this Service are required to have routine security checks that are resulting in delays of the adjudication of petitions/applications. We can give no definite indication of when they will be completed. We apologize for the delay.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

One final note: When you called you or your representative asked that we update your address on your pending case for the purpose of processing. We have updated your address. Your address now appears on your application or petition as the address shown above.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

**Exhibit 6**

**USCIS letter for Plaintiff Zehao Li's I-485**

**on November 18, 2005**

U.S. Department of Homeland Security  
Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT  
05479-0001



**U.S. Citizenship  
and Immigration  
Services**

Friday, November 18, 2005

ZEHAO LI  
403 KING RAIL CT  
MIDDLETOWN DE 19709

Dear ZEHAO LI:

On 11/04/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Person who contacted us:</b>	LI, HE
<b>Caller indicated they are:</b>	A parent of the applicant
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	I485
<b>Filing date:</b>	04/15/2004
<b>Receipt #:</b>	EAC-04-144-50555
<b>Beneficiary (if you filed for someone else):</b>	LI, ZEHAO
<b>Your USCIS Account Number (A-number):</b>	A098275561
<b>Type of service requested:</b>	Change of Address

The status of this service request is:

Recently, you called us to update your address. We have updated your address in our systems. Thank you for notifying us of your change of address. If you change your address again in the future, please contact customer service at the number provided below. The processing of your case has been delayed. We are currently awaiting the results of required security checks on this case. These background checks are required of all who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the security checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

One final note: When you called you or your representative asked that we update your address on your pending case for the purpose of processing. We have updated your address. Your address now appears on your application or petition as the address shown above.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

**Exhibit 7**

**USCIS letter for Plaintiff Changai Zhuo's I-485**

**on June 18, 2006**

U.S. Department of Homeland Security  
Vermont Service Center  
75 Lower Welden Street  
St Albans, VT  
05479-0001



## U.S. Citizenship and Immigration Services

Sunday, June 18, 2006

CHANGAI ZHUO  
403 KING RAIL CT  
MIDDLETOWN DE 19709

Dear CHANGAI ZHUO:

On 06/13/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	A Paralegal or Other Employee of the Attorney of Record
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	I485
<b>Filing date:</b>	04/10/2004
<b>Receipt #:</b>	EAC-04-144-50539
<b>Beneficiary (if you filed for someone else):</b>	ZHUO, CHANGAI
<b>Your USCIS Account Number (A-number):</b>	A098275560
<b>Type of service requested:</b>	Change of Address

The status of this service request is:

Recently, you called us to update your address. We have updated your address in our systems and on your application on November 18, 2005. Thank you for notifying us of your change of address. If you change your address again in the future, please contact customer service at the number provided below.

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

One final note: When you called you or your representative asked that we update your address on your pending case for the purpose of processing. We have updated your address. Your address now appears on your application or petition as the address shown above.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services



**Exhibit 8**

**USCIS letter for Plaintiff He Li's I-485  
on June 29, 2006**

**U.S. Department of Homeland Security**  
Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT  
05479-0001



**U.S. Citizenship  
and Immigration  
Services**

Thursday, June 29, 2006

HE LI  
403 KING RAIL CT  
MIDDLETOWN DE 19709

Dear HE LI:

On 06/15/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	The applicant
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	I485
<b>Filing date:</b>	04/01/2004
<b>Receipt #:</b>	
<b>Beneficiary (if you filed for someone else):</b>	LI, HE
<b>Your USCIS Account Number (A-number):</b>	A098275559
<b>Type of service requested:</b>	Case Status - Outside Processing Time

The status of this service request is:

The processing of your petition/application has been delayed. All petitions/applications received by this Service are required to have routine security checks that are resulting in delays of the adjudication of petitions/applications. We can give no definite indication of when they will be completed. We apologize for the delay.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

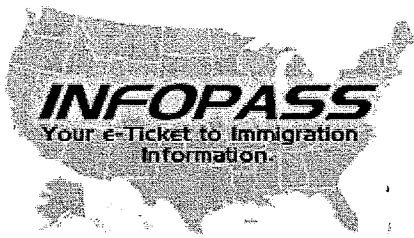
Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

**Exhibit 9**

**INFOPASS appointment receipt**

**by Plaintiff He Li on June 21, 2006**



**Name: He Li (3 persons)**

**Appointment Speak to immigration officer**

**Type:**

**Confirmation DVD-06-1019**

**No.:**

**Appointment June 21, 2006**

**Date:**

**Authentication 4f1f**

**Code:**

**Appointment 3:00**

**Time: PM**

**Location: 1305 MCD DRIVE, Dover, 19901; LOBBY**

**This is your Confirmation  
Number:**



\* DVD - 06 - 1019 \*

**If you wish to cancel this appointment, you will need the  
following Personal Identification Number:**

**96771**

**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**

**Exhibit 10**

**Plaintiffs' letter seeking assistance and inquiry result  
by U.S. Congressman Michael N. Castle on I-485 adjudication delay  
on behalf of Plaintiffs**

He Li  
403 King Rail Court  
Middletown, DE 19709  
Tel: (302)378-8256

November 27, 2006

US Congressman Mike Castle  
201 N. Walnut Street, Suite 107  
Wilmington, DE 19801-3970

Dear Congressman Castle:

I am grateful to be able to write to you to seek your assistance in resolving the two and one-half year of pending and delay in USCIS Vermont Service Center for my family's case for adjustment to permanent resident status.

As of today, Nov. 27, 2006, Vermont Service Center is posting to process cases for I-485 (employment-based adjustment) with receipt date Feb 15, 2006 per USCIS web site information. My family's case receipt date is April 10, 2004, which is out-proportionally delayed by USCIS Vermont Service Center, and has been in this situation since early 2006.

My I-140 case was approved on April 6, 2005. For my I-485 case, in October 2005, I had called in NCSC at 1-800-375-5283 and was replied with a letter indicating the case is being processed. Obviously, currently the case has not been adjusted yet.

On June 21, 2006, I made an appointment with INFOPASS to talk with an immigration officer about my case, and was told that case is in file and pending FBI name check. Five months passed by, no adjustment of status is approved yet.

I have listed my case information as well as the information of my wife and my son, which were filed to Vermont Service Center in one packet.

Myself:

Name: He Li

Address: 403 King Rail Court, Middletown, DE 19709

DOB: Jan. 2, 1963

Country of Birth: P.R. China

Application/Petition Receipt Number: EAC-04-144-50517

A Number: A98 275 559

USCIS Office Case Filed: Vermont Service Center

Filing Date: April 10, 2004

My wife:

Name: Changai Zhuo  
Address: 403 King Rail Court, Middletown, DE 19709  
DOB: July. 12, 1964  
Country of Birth: P.R. China  
Application/Petition Receipt Number: EAC-04-144-50539  
A Number: A98 275 560  
USCIS Office Case Filed: Vermont Service Center  
Filing Date: April 10, 2004

My son:

Name: Zehao Li  
Address: 403 King Rail Court, Middletown, DE 19709  
DOB: Sept. 13, 1990  
Country of Birth: P.R. China  
Application/Petition Receipt Number: EAC-04-144-50555  
A Number: A98 275 561  
USCIS Office Case Filed: Vermont Service Center  
Filing Date: April 10, 2004


In light of the long delay on my case by Vermont Service Center, especially, my case receipt date is April 10, 2004, out-proportionally outside the posted receipt date of Feb 15, 2006, which Vermont Service Center is currently processing. By way of this letter, I wish bring to your attention the extreme delay in adjustment of status case for my family, and hope for your assistance in resolving the long-delayed (two and on-half years since filing in Vermont Service Center) I-485 adjustment to permanent resident status.

I enclosed three receipt notices to my family's I-485 case, my I-140 approval notice for your reference.

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

He Li

 Nov. 27, 2006

MICHAEL N. CASTLE  
DELAWARE, AT-LARGE

COMMITTEES:  
FINANCIAL SERVICES  
EDUCATION AND THE WORKFORCE  
CHAIRMAN:  
SUBCOMMITTEE ON EDUCATION REFORM

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0801**

1233 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0801  
(202) 225-4165  
DISTRICT OFFICES  
201 NORTH WALNUT STREET  
SUITE 107  
WILMINGTON, DE 19801-3970  
(302) 428-1902  
300 SOUTH NEW STREET  
SUITE 2005  
DOVER, DE 19904  
(302) 736-1666 (KENT)  
(302) 856-3334 (SUSSEX)  
[www.house.gov/castle/](http://www.house.gov/castle/)

November 30, 2006

Mr. He Li  
403 King Rail Court  
Middletown, DE 19709


Dear Mr. Li:

I am responding to your letter regarding your family's permanent resident status.

My staff has contacted the USCIS Vermont Service Center which has informed us that your cases are delayed due to pending name and date of birth checks by the FBI. I have directed my staff to do what they can to gather additional information on your case's status and to keep you informed.

Once again, I do sympathize with your particular situation and will do my best to see it to a satisfactory resolution.

Sincerely,



Michael N. Castle  
Member of Congress

MNC: maf



**Exhibit 11**

**FBI name check inquiry e-mail and fax**

[Print Message](#)[Close this window](#)

**From** li913@verizon.net  
**Date** 2006/11/28 Tue PM 10:38:09 EST  
**To** fbinncp@ic.fbi.gov  
**Subject** He Li (Name Check for I-485)

Dear Sir/Madam:

Myself, my wife and my son have Immigration Petitions (I485 - Adjustment of Status) pending with the USCIS (Vermont Service Center). I would like to check on the status of the FBI Name Check portion of the processing of our applications and whether this check has been completed. Our application details are:

Myself:

Name: He Li  
Alien #: A98 275 559  
DOB: Jan. 02, 1963  
SSN: 251-91-9963  
Tel: (302)378-8256  
E-mail: li913@verizon.net

My Wife:

Name: Changai Zhuo  
Alien #: A98 275 560  
DOB: July 12, 1964  
SSN: 249-95-8159  
Tel: (302)378-8256

My Son:

Name: Zehao Li  
Alien #: A98 275 561  
DOB: Spet. 13, 1990  
Tel: (302)378-8256

I would appreciate it if you could let us know the status of our Name Checks. If you have any questions, please let me know.

Sincerely,

He Li

facsimile  
TRANSMITTAL

---

**Name:** Renee Morton, FBI NNCP Supervisor  
**Organization:** FBI National Name Check Process (FBINNCP)  
**Fax:** (202) 324-3367  
**From:** He Li  
**Date:** Nov. 29, 2006  
**Subject:** He Li (I-485 Name Check)  
**Priority:** Urgent  
**Pages:** 1

**Comments:**

Myself, my wife and my son have Immigration Petitions (I485 - Adjustment of Status) pending with the USCIS (Vermont Service Center). I would like to check on the status of the FBI Name Check portion of the processing of our applications and whether this check has been completed. Our application details are:

**Myself:**  
Name: He Li  
Alien #: A98 275 559  
DOB: Jan. 02, 1963  
SSN: 251-91-9963

**My Wife:**  
Name: Changai Zhuo  
Alien #: A98 275 560  
DOB: July 12, 1964  
SSN: 249-95-8159

**My Son:**  
Name: Zehao Li  
Alien #: A98 275 561  
DOB: Sept. 13, 1990

**Address:**  
403 King Rail Court  
Middletown, DE 19709

**Tel:** (302)378-8256  
**Fax:** (302)378-8256  
**E-mail:** li913@verizon.net

I would appreciate it if you could let us know the status of our Name Checks. If you have any questions, please let me know.

Sincerely,

He Li



From  
He Li  
403 King Rail Court  
Middletown, DE 19709

**Exhibit 12**

**USCIS service center operations updates**

**on May 24, 2005**

Service Center Operations Updates - 05/24/05

**Fingerprint appointment notices in cases of already approved I-485 applications**

As far as biometrics is concerned in many cases the fingerprints are still valid. However at the time the fingerprints are taken, it is possible that USCIS may not have captured the photo, signature, and index fingerprint. After the approval of the I-485, the USCIS may request that an applicant appear at an ASC (Application Support Center) for biometrics capture. In a case like this the reason will be for a photo, signature and index fingerprint only. Dependents under 14 years of age will be asked to appear at an ASC for biometric photo capture purposes only.

**Applicants with newly filed I-485s and I-485s with print query results that are 15 months old or older are scheduled for the entire set of biometrics, including 10 prints, index print, photo and signature.**

Applicants with newly filed I-485s and I-485s with print query results that are 15 months old or older are scheduled for the entire set of biometrics, including 10 prints, index print, photo and signature. Dependents over 14 years of age will be scheduled for the entire set of biometrics capture. Dependents under 14 years of age will be asked to appear at an ASC only for biometric photo capture purposes. Upon approval of the I-485 at the Service Center, the adjudicator initiates card production, without recourse to ADIT processing at a district office.

**Applicants should meet the terms of the ASC notices to complete the processing of the required biometrics.**

The applicants must meet the terms of the ASC notices to complete the processing of the required biometrics. Applicants must go to the ASC's for both 10-print and index fingerprints, signatures, and photos before an I-485 case is approved. USCIS finds that children under age 14 are not appearing at the ASC when they receive the notices or when they are scheduled for photo captures. Accordingly, USCIS is in the process of changing the notices to read simply "ASC Appointment Notice." Children under the age of 14 will go to the ASCs for biometric photo capture only.

**Exhibit 13**

**Plaintiffs' case status of I-485 by USCIS on-line website  
at <https://egov.immigration.gov/cris/jsps/index.jsp>**

## U. S. Citizenship and Immigration Services

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and Benefits](#)

**Case Status**

[National Customer  
Service Call Center  
\(NCS2C\)](#)

Receipt Number: EAC0414450517

[Call Scripts and  
Information](#)

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

[Case Status Online](#)

Current Status: Fingerprints review completed.

[Case Status  
Search](#)

Review of the fingerprints taken relating to this I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS has been completed. Processing of this case continues. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. We process cases in the order we receive them. You can use our processing dates to estimate when yours will be done. This case is at our VERMONT SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

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You can choose to receive automatic case status updates, which will be sent via email. Please click [here](#) to create an account online.

---

If you would like to see our current Processing Dates for Applications and Petitions, click [here](#).

Note: Case Status is available for Applications and Petitions which were filed at USCIS Service Centers. If you filed at a USCIS Local Office, your case status may not be reviewable online but for processing times on forms filed at that Office please, [click here](#).

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact Customer Service at (800) 375 - 5283 or 1-800-767-1833 (TTY).

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12-03-2006 12:37 PM EST

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**Case Status**

[National Customer  
Service Call Center  
\(NGSC\)](#)

Receipt Number: EAC0414450539

[Call Scripts and  
Information](#)

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

[Case Status Online](#)

Current Status: Fingerprints review completed.

[Case Status  
Search](#)

Review of the fingerprints taken relating to this I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS has been completed. Processing of this case continues. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. We process cases in the order we receive them. You can use our processing dates to estimate when yours will be done. This case is at our VERMONT SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

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If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact Customer Service at (800) 375 - 5283 or 1-800-767-1833 (TTY).

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12-03-2006 12:38 PM EST



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[Call Scripts and Information](#)

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Receipt Number: EAC0414450555

Application Type: I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS

Current Status: Case received and pending.

On April 15, 2004, we received this I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR TO ADJUST STATUS, and mailed you a notice describing how we will process your case. Please follow any instructions on this notice. We will notify you by mail when we make a decision or if we need something from you. If you move while this case is pending, call customer service. We process cases in the order we receive them. You can use our processing dates to estimate when yours will be done. This case is at our VERMONT SERVICE CENTER location. Follow the link below to check processing dates. You can also receive automatic e-mail updates as we process your case. Just follow the link below to register.

You can choose to receive automatic case status updates, which will be sent via email. Please click [here](#) to create an account online.

If you would like to see our current Processing Dates for Applications and Petitions, click [here](#).

Note: Case Status is available for Applications and Petitions which were filed at USCIS Service Centers. If you filed at a USCIS Local Office, your case status may not be reviewable online but for processing times on forms filed at that Office please, [click here](#).

If you have a question about case status information provided via this site, or if you have not received a decision from USCIS within the current processing time listed, please contact Customer Service at (800) 375 - 5283 or 1-800-767-1833 (TTY).

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12-03-2006 12:38 PM EST

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Li, He Zhuo, Changai Li, Zehao  <b>(b)</b> County of Residence of First Listed Plaintiff <u>New Castle</u> (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number)	<b>DEFENDANTS</b> Michael Chertoff, Secretary of the Department of Homeland Security; Emilio T. Gonzalez, Director of USCIS; Paul E. Novak, Jr. Vermont Service Center Director, USCIS; Robert S. Mueller, Director of FBI County of Residence of First Listed Defendant <u>New Castle</u> (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  Attorneys (If Known)
---	--

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 1</td> <td style="width: 10%;">DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 4</td> <td style="width: 10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)						
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury               </td> <td style="width: 50%; vertical-align: top;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 362 Personal Injury - Med. Malpractice  <input type="checkbox"/> 365 Personal Injury - Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability    <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability               </td> </tr> </table>	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability					
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

<b>V. ORIGIN</b>	(Place an "X" in One Box Only)	<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 1331, 28 USC 1361 Brief description of cause: Mandamus action to compel USCIS to adjudicate Plaintiffs' petition, Application to Adjust To Permanent Resident Status
----------------------------	---

<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--	------------------	--

<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions): JUDGE <u>Kent A. Jordan; Joseph J. Farnan,</u>	DOCKET NUMBER <u>1:06-cv-00596-KAJ;</u> <u>1:06-cv-00589-JJF</u>
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DATE	SIGNATURE OF ATTORNEY OF RECORD
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**FOR OFFICE USE ONLY**

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 733

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

Dec. 04, 2006

(Date forms issued)



(Signature of Party or their Representative)

He Li

(Printed name of Party or their Representative)

**Note: Completed receipt will be filed in the Civil Action**

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

RE: C.A.# 00 - 733

CASE CAPTION: \_\_\_\_\_ v. \_\_\_\_\_

**ACKNOWLEDGMENT OF RECEIPT FOR F.R.Civ.P. 4**

I hereby acknowledge receipt of a copy of Rule 4 (Summons) of the Federal Rules of Civil Procedure, and understand that it is my responsibility to make service of process on defendants in accordance with this rule.

Date Received Dec 04, 2006  
by Plaintiff:

Signed: [Signature]  
Pro Se Plaintiff

Date Received 12/04/2006  
by Clerk's office:

Signed: [Signature]  
Deputy Clerk

Note: If you received Federal Rule 4 by mail, please sign this receipt and return it to:

Clerk  
U.S. District Court  
844 N. King Street  
Lockbox 18  
Wilmington, DE 19801

If applicable, Rule 4 mailed to plaintiff:

\_\_\_\_\_  
Date mailed

\_\_\_\_\_  
By Deputy Clerk

cc: Docketing Clerk